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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK

ALISA AGOFONOVA and AARON POU on
behalf of themselves and all others similarly
situated,

Plaintiff,

V.

NOBU CORP., NOBU ASSOCIATES, L.P.,)
NOBU NEXT DOOR, LLC, NOBU 57 LLC,)
DREW NIEPORENT, and RICHARD NOTAR,)

Defendants.

INDEX NO: 07 CIV 6926 (DAB)

JOINT STIPULATION OF SETTLEMENT AND RELEASE

JUDGE: HON. DEBORAH A. BATTS

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Motion together with the Settlement Agreement and all agreements attached thereto, the undersigned will and hereby do move this Court before the Honorable Deborah A. Batts, United States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10007, on a date to be determined by the Court or as soon thereafter as counsel may be heard for

an order preliminarily approving the class action settlement agreement and notice to the class.

Dated: August 7, 2008
New York, New York

JOSEPH & HERZFELD LLP

/s/ D. Maimon Kirschenbaum

By: D. Maimon Kirschenbaum (DK-2338)
Charles E. Joseph (CJ-9442)

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